

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIBEL RODRIGUEZ, ET AL., on behalf
of themselves and all others similarly
situated,

MEMORANDUM & ORDER
09-CV-2997 (JS) (AKT)

Plaintiffs,

-against-

ALMIGHTY CLEANING, INC., ET AL.,

Defendant.

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APPEARANCES:

For Plaintiff: Troy L. Kessler, Esq.
Shulman Kessler LLP
510 Broadhollow Road, Suite 110
Melville, NY 11747

For Defendants: No appearances.

SEYBERT, District Judge:

Plaintiffs Maribel Rodriguez, Gissella Rodriguez, Norma Reyes and Maria Antunez ("Plaintiffs") brought this suit under the Fair Labor Standards Act (the "FLSA") and the New York State Labor Law (the "NYSL") to recover unpaid wages against Defendants Almighty Cleaning, Inc.; PMCB Cleaning & Maintenance, Inc.; and Phillip Patanjo ("Defendants"). Plaintiffs have moved for conditional certification and for a default judgment. This Court referred Plaintiffs' motions to Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation ("R&R").

On February 28, 2011, Judge Tomlinson issued an R&R recommending, among other things, that conditional certification

be granted and Plaintiffs be awarded a default judgment. Judge Tomlinson directed Plaintiffs to serve the R&R on Defendants and specified that any Objections would be due within fourteen (14) days of service. The time for filing Objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Tomlinson's R&R to be comprehensive, well-reasoned, thorough and free of clear error, and it ADOPTS the R&R in its entirety. The Clerk of the Court is directed to enter judgment against Defendants in favor of Plaintiff Maribel Rodriguez in the amount of \$102,867.42; in favor of Plaintiff Gissella Rodriguez in the amount of \$150,195.07; in favor of Plaintiff Norma Reyes in the amount of \$89,555.04; and in favor of Plaintiff Maria Antunez in the amount of \$14,557.25. The Defendants are to be held jointly and severally liable for these damages amounts.

Further, Plaintiffs' motion for conditional certification as an FLSA collective action is granted, and Defendants are ORDERED to produce promptly the names and last known addresses of potential class members. The Court hereby authorizes the posting and circulation of the proposed Notice of Pendency (Docket Entry 8-7). As Judge Tomlinson recommended, if individuals opt-in to this action and seek to be added as

parties, Plaintiffs will be required to amend their Complaint to add these individuals. The amended complaint should then be served on Defendants so that they may have an opportunity to respond.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 28, 2011
Central Islip, New York